

CONSUMER FACT SHEET

Political Programming

Is a cable operator required to offer its facilities to political candidates? No. However, federal law requires that once a cable operator allows one candidate to use its facilities, it must give equal opportunities to all other legally qualified candidates. This means, in general, that the cable operator must offer each legally qualified candidate the opportunity to purchase the same amount of time in a comparable time slot. In addition, cable operators are not allowed to censor the content of any candidate's material and may not discriminate among candidates.

Are there any exceptions to the equal opportunities rule? Yes. News appearances, interviews, or on-the-spot coverage of a bona fide news event, are exempt from the equal opportunities rule. In addition, documentaries may be exempt if the appearance of the candidate is incidental to the presentation of the subject of the documentary.

Are cable operators allowed to charge political candidates for use of its facilities? Yes. There are federal regulations outlining the fees that cable operators may charge political candidates for use of its facilities. In general, cable operators must charge political candidates the same amount it charges its most favored commercial advertisers for the same time period (referred to as the lowest unit charge). In certain circumstances, if a cable operator gives one candidate free time, all other legally qualified candidates must be given free time as well. Cable operators are required to give to political candidates, upon request, information concerning the rates, terms and conditions, and any discounts and privileges offered to commercial advertisers.

How does the equal opportunities rule apply to local channels? There are two forms of local channels: 1) public, educational, and governmental ("PEG"); and 2) local origination. The principal difference between PEG and local origination is that members of the community produce PEG programming while cable operators produce local origination programming. The equal opportunities rule applies to local origination. Since cable operators are prohibited from exercising editorial control over the content of PEG channels, it **does not** apply to PEG channels. However, there is a separate requirement that PEG channels provide local residents with equal, non-discriminatory access on a first-come, first-served basis, regardless of the message, and therefore political candidates are able to obtain access to PEG channels.

How can I exercise my rights under the equal opportunities rule? Any request to exercise rights under the equal opportunities rule must be made within 7 days of the rival candidate's first use of the cable system. If the person was not a legally qualified candidate at the time of the rival's first use, they must first become a legally qualified candidate, and then submit a request within 7 days of the rival's next use of the cable system.

Does the equal opportunities rule apply to ballot questions? No. The equal opportunities rule only applies to legally qualified candidates.

I have heard of the fairness doctrine. Does this doctrine allow me to use my cable operator's facilities for issues I want to discuss? The fairness doctrine required cable operators providing local origination programming to afford a reasonable opportunity for the discussion of conflicting views on controversial issues of public importance. The Federal Communications Commission repealed the fairness doctrine in 1987.

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